

Thomas M. Bowes
President
District 3

Shannon L. Hume
At Large

CHARLES B. Ryan
At Large

CHARLES C. Kokoros
District 1

JOHN C. MULLANEY
District 2



Sean E. Powers
Vice President
At Large

Stephen C. O'Brien
District 4

Michael J. Owens
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

May 1, 2014

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Thursday, May 1, 2014 beginning at 7:30p.m.

Council President Bowes was in the chair.

The Clerk of the Council conducted the roll call.

Present: Thomas Bowes, President
Sean Powers, Vice President
Shannon Hume
Charles Ryan
Charles Kokoros
John Mullaney
Stephen O'Brien
Michael Owens
Paul Dan Clifford

Others: Joseph Sullivan, Mayor
Peter Morin, Town Solicitor
Edward Spellman, Finance Director
Karen Shanley, Human Resource Director
Christine Stickney, Director of Planning & Community Development
Sharmila Biswas, Director of Elder Affairs
Terri Stano, Library Director
Barbara Mello, Grant Writer
Christopher Griffin, Mayor's Office
Eric Kinsherf, Town Auditor
Dennis Regan, National Grid Representative

CORRESPONDENCE

None

ANNOUNCEMENTS

- 032 14 Councilor Hume: Recognition of 60 Year Anniversary - Brow Oil
- 026 14 Council President: Annual Spring Leaf Pickup
- 035 14 Councilor Kokoros: Braintree Football Golf Tournament
- 038 14 Council President: Annual Rabies Clinic

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APPROVAL OF MINUTES

- April 15, 2014

Motion: by Councilor Powers to approve

Second: by Councilor Kokoros

Vote: For (9), Against (0)

CITIZEN CONCERNS/COUNCIL RESPONSE

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

• 14 032 Mayor: FY2015 Budget

Mayor Joseph C. Sullivan presented the FY2015 Budget as required under Section 6-3 of the Town Charter. Mayor Sullivan noted the FY2015 Budget request is \$111,863,087, up 4.7% over FY2014. The budget accounts for several new positions, in public safety and DPW entry level positions and expansion of library hours on Saturdays.

The Mayor noted that the Standard and Poors financial bond rating firm has just completed a review of the financial strength of the town and will be reporting findings in the morning. In January 2008, Braintree's bond rating was AA3- with a negative outlook. Today it is at AA. He expects the bond rating to increase once again to at least AA+.

OLD BUSINESS

• 034 14 Council President: Appointment of Town Clerk or take up any action relative thereto

Council President Bowes commented that members will have the opportunity to nominate candidates who were interviewed for the position of Town Clerk last evening; Elizabeth of New Bedford, William Rosenberry of Boston and James Casey of Braintree. The Council President outlined the procedure for nominations and election: Once a motion is approved to open nominations, nominations will be from the floor and need not be seconded. Members should not offer more than one nomination until all members have had the opportunity to make a nomination. When no further nominations are forthcoming, a motion to close nominations would be in order. The election will be conducted by roll-call vote and will be taken in order of nomination. The election will be decided by the first nominee achieving a majority. If there is a tie vote or no one receives a majority vote, members will continue

voting until someone is elected with a majority vote. The roll will be called in alphabetical order except, the Council Presidents name will be called last.

Motion: by Councilor Powers to open nominations

Second: by Councilor Kokoros

Vote: For (9), Against (0)

Councilor Kokoros nominates James Casey.

Councilor Powers nominates William Rosenberry

Councilor Hume nominates Elizabeth Nichols

Motion: by Councilor Powers to close nominations

Second: by Councilor Kokoros

Vote: For (9), Against (0)

The Council President noted that James Casey was nominated first. As I call your name respond with a “yes” if your are in favor of Mr. Casey or “no” if you are not in favor of Mr. Casey.

Council Member

Clifford Yes
Hume No
Kokoros Yes
Mullaney Yes
O’Brien Yes

Council Member

Owens Yes
Powers No
Ryan Yes
Bowes Yes

On a vote of 7 “Yes” and 2 “No”, James Casey has achieved a majority vote for appointment to the Town Clerk position.

Councilor Powers made the following motion: “I move that pursuant to Section 2-8 (b) of the Charter of the Town of Braintree the Town Council appoints James Casey as Town Clerk effective May 2, 2014 and will serve for a term of 3 years and until a successor is chosen and qualified.”

Motion: by Councilor Powers

Second: by Councilor Kokoros

Vote: For (9), Against (0)

Next, Councilor Powers made the following motion “I move that the Town Clerk Salary shall be established at the M-18 A level.”

Motion: by Councilor Powers

Second: by Councilor Kokoros

Vote: For (9), Against (0)

- **14 023 Mayor: Land Lease Wireless Communications Facility-River Street or take up any action relative thereto**

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported that the Committee has recommended favorable action.

Councilor Powers read the following motion “THE COUNCIL VOTE TO ALLOW THE LEASE OF A PARCEL OF LAND LOCATED ADJACENT TO THE MAINTENANCE BUILDING AT EAST MIDDLE SCHOOL, SHOWN ON A PLAN ENTITLED “SITE PLAN”---BRAintree, MA” DATED AUGUST 23, 1984 DRAWN BY HAYWARD, BOYNTON, AND WILLIAMS, INC. CONTAINING 1600 SQUARE FEET, FOR THE PURPOSE OF OPERATING OR INSTALLING AND OPERATING A WIRELESS TELECOMMUNICATIONS FACILITY, UNDER TERMS AND CONDITIONS DEEMED FAVORABLE TO THE TOWN BY THE MAYOR, FOR A TERM OF UP TO TEN YEARS, WITH AN OPTION TO RENEW FOR TWO ADDITIONAL FIVE YEAR PERIODS.”

Motion: by Councilor Powers
Second: by Councilor Ryan
Vote: For (9), Against (0)

- **14 024 National Grid: Petition Union Street area or take up any action relative thereto**

Councilor Ryan, Chairman of the Public Works Committee reported that National Grid **has withdrawn this petition.**

- **14 025 National Grid: Petition Rose and Fairview Avenue or take up any action relative thereto**

Councilor Ryan, Chairman of the Public Works Committee reported that the committee recommends favorable action with staff recommendations.

To install and maintain approximately 400 feet, more or less, of 2 inch gas main in Rose Avenue, Braintree from the existing 2 inch gas main at Pond Street, southerly to the existing 2 inch gas main at house #17 and approximately 845 feet more or less of 2 inch gas main in Fairview Avenue from the existing 2 inch gas main at Pond Street southerly to the end of the main at house #42. All of which to replace and abandon the existing 1 ½ inch and 2 inch gas mains in Rose Avenue and Fairview Avenue. Approval is conditioned on BELD being notified forty-eight hours in advance of any road work to be performed and the petition granted under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water main in service and that the trench pavement not be left low for any length of time.

Motion: by Councilor Ryan
Second: by Councilor Powers
Vote: For (9), Against (0)

- **14 026 National Grid: Petition Ferncroft and Audubon Avenue or take up any action relative thereto**
Councilor Ryan, Chairman of the Public Works Committee reported that the committee recommends favorable action with staff recommendations.

To install and maintain approximately 190 feet, more or less, of 2 inch gas main in Ferncroft Avenue, Braintree from the existing 2 inch gas main at Trefton Drive, southerly to the existing 4 inch gas main at Audubon Avenue and approximately 160 feet more or less of 2 inch gas main in Audubon Avenue from the existing 4 inch gas main at house #134 easterly to the end of the main at house #146. All of which to replace and abandon the 2 inch gas mains in Ferncroft Avenue and Audubon Avenue. Approval is conditioned under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water main in service and that the trench pavement not be left low for any length of time.

Motion: by Councilor Ryan
Second: by Councilor Powers
Vote: For (9), Against (0)

- **14 027 National Grid: Petition Liberty Street or take up any action relative thereto**
Councilor Ryan, Chairman of the Public Works Committee reported that the committee recommends favorable action with staff recommendations.

To install and maintain approximately 650 feet, more or less, of 4 inch gas main in Liberty Street, Braintree from the existing 3 inch gas main at house #599, southerly to the existing 3 inch gas main at house #644. All of which to replace and abandon the existing 3 inch gas main in Liberty Street. Approval is conditioned under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water mains in service and that the trench pavement not be left low for any length of time.

Motion: by Councilor Ryan
Second: by Councilor Powers
Vote: For (9), Against (0)

- **14 028 National Grid: Petition Louise Road or take up any action relative thereto**
Councilor Ryan, Chairman of the Public Works Committee reported that the committee recommends favorable action with staff recommendations.

To install and maintain approximately 570 feet, more or less, of 2 inch gas main in Louise Road, Braintree from the existing 2 inch gas main at house #11, northerly to the end of the main at house #50. Approval is conditioned on completion of the gas main installation by late summer to avoid coordination problems with the Town's water main installation contractor and under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water mains in service and that the trench pavement not be left low for any length of time.

Motion: by Councilor Ryan
Second: by Councilor Powers
Vote: For (9), Against (0)

- **14 029 National Grid: Petition Shepard Road and Jefferson St. or take up any action relative thereto**
Councilor Ryan, Chairman of the Public Works Committee reported that the committee recommends favorable action with staff recommendations.

To install and maintain approximately 450 feet, more or less, of 2 inch gas main in Shepard Road, Braintree from the existing 2 inch gas main at house #60 Jefferson Street. All of which to replace and abandon the existing 3 inch gas main in Shepard Road. Approval is conditioned on completion of the gas main installation by late spring to avoid coordination problems with the Town’s final paving of the street and sidewalks and under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water mains in service and that the trench pavement not be left low for any length of time.

Motion: by Councilor Ryan
Second: by Councilor Powers
Vote: For (9), Against (0)

- **14 030 National Grid: Petition Elm and Commercial Street area or take up any action relative thereto**
Councilor Ryan, Chairman of the Public Works Committee reported that the committee recommends favorable action with staff recommendations.

To install and maintain approximately 400 feet, more or less, of 2 inch gas main in Elm Street, Braintree from the existing 2 inch gas main in Commercial Street, westerly to the end of the main at house #498 and approximately 190 feet, more or less, of 4 inch gas main in Commercial Street from the existing 2 inch gas main at Hayward Street northerly to the existing 4 inch gas main at house #590. All of which to replace and abandon the 2 inch gas mains in Elm Street and Commercial Street. Approval is conditioned on BELD being notified forty-eight hours in advance of any road work to be performed and a BELD Safety representative being on site during any excavation or installations near this line. Additionally, these segments of the roads are in the middle of the State / Federal “Safe Routes To School” (SRTS) project and must be coordinated with the State’s contractor, Capone Brothers Inc. and under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water mains in service and that the trench pavement not be left low for any length of time.

Motion: by Councilor Ryan
Second: by Councilor Powers
Vote: For (9), Against (0)

- **14 031 National Grid: Petition Ellsmoore Ter. And Colby Road or take up any action relative thereto**
Councilor Ryan, Chairman of the Public Works Committee reported that the committee recommends favorable action with staff recommendations.

To install and maintain approximately 250 feet, more or less, of 2 inch gas main in Ellsmoore Terrace, Braintree from the existing 3 inch gas main at West Street, southerly to the existing 2 inch gas main near Colby Road and approximately 605 feet, more or less, of 2 inch gas main in Colby road from the existing 2 inch gas main at Ellsmoore Terrace southerly to the end of the main at house #65. All of which to replace and abandon the existing 3 inch gas mains in Ellsmoore Terrace and Colby Road. Approval is conditioned on completion of the gas main installation by late fall to avoid coordination problems with the Town’s water line construction and under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water mains in service and that the trench pavement not be left low for any length of time.

Motion: by Councilor Ryan
Second: by Councilor Powers
Vote: For (9), Against (0)

NEW BUSINESS

Refer to the Committee on Ways & Means

- 14 032 Mayor: FY2015 Operating Budget or take up any action relative thereto
- 14 033 Mayor: FY2015 Revolving Accounts or take up any action relative thereto
- 14 035 Mayor: FY14 Supplemental Appropriations #3 or take up any action relative thereto
- 14 036 Mayor: Line Item Transfer CBA AFSCME, Library Association Patrolman or take up any action relative thereto
- 14 037 Mayor: Appointment Pond Meadow Park Commission – Frank Collins or take up any action relative thereto
- 14 038 Town Council: Prior Fiscal Year Unpaid bill or take up any action relative thereto
- 14 039 Mayor: FY2015 Budget Community Preservation Committee or take up any action relative thereto

Motion: by Councilor Powers to move the above Orders to Committee
Second: by Councilor Kokoros
Vote: For (9), Against (0)

Refer to the Committee on Ordinance & Rules

- 14 034 Dennis Graziano: Rezone Application – Adams and Arnold Street or take up any action relative thereto
- 14 040 Council President: Title 6, Chapter 6: Animals or take up any action relative thereto

Motion: by Councilor Powers to move the above Orders to Committee
Second: by Councilor Kokoros
Vote: For (9), Against (0)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:56p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- April 15, 2014 Minutes
- 034 14 Council President: Appointment of Town Clerk
- 14 023 Mayor: Land Lease Wireless Communications Facility-River Street
- 14 024 National Grid: Petition Union Street area
- 14 025 National Grid: Petition Rose and Fairview Avenue
- 14 026 National Grid: Petition Ferncroft and Audubon Avenue
- 14 027 National Grid: Petition Liberty Street
- 14 028 National Grid: Petition Louise Road
- 14 029 National Grid: Petition Shepard Road and Jefferson St.
- 14 030 National Grid: Petition Elm and Commercial Street area
- 14 031 National Grid: Petition Ellsmoore Terrace and Colby Road
- 14 032 Mayor: FY2015 Operating Budget
- 14 033 Mayor: FY2015 Revolving Accounts
- 14 035 Mayor: FY14 Supplemental Appropriations #3
- 14 036 Mayor: Line Item Transfer CBA AFSCME, Library Association Patrolman
- 14 037 Mayor: Appointment Pond Meadow Park Commission – Frank Collins
- 14 038 Town Council: Prior Fiscal Year Unpaid bill
- 14 039 Mayor: FY2015 Budget Community Preservation Committee
- 14 034 Dennis Graziano: Rezone Application – Adams and Arnold Street
- 14 040 Council President: Title 6, Chapter 6: Animals